

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

COTY GARRETT BOWMAN-JINES,

Plaintiff,

v.

LUKE ALLISON, et al.,

Defendants.

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No. 1:18-cv-206-RWS

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff Coty Garrett Bowman-Jines commenced this civil action on August 20, 2018. He sought and was granted leave to proceed *in forma pauperis*. Upon initial review, the Court determined the complaint was subject to dismissal because it failed to state a claim for relief against the named defendants. On October 2, 2018, the Court entered an order fully explaining why the complaint was subject to dismissal, and directing plaintiff to submit an amended complaint. The Court cautioned plaintiff that his failure to timely comply with the order would result in the dismissal of his case without further notice. Plaintiff's response was due on November 1, 2018.

To date, plaintiff has neither responded to the Court's order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to plaintiff's failure to comply with the October 2, 2018 order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed by the control necessarily

vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel (Docket No. 3) is **DENIED** as moot.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 8th day of November, 2018.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE